

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
2011 THREAT OF FLOODING ALONG
THE MISSISSIPPI RIVER
AND OTHER STATE WATER BODIES**

AGENCY INTEREST NO. 176191

**DECLARATION OF EMERGENCY
AND ADMINISTRATIVE ORDER**

Pursuant to the authority granted to me by Louisiana Revised Statutes 30:2001 *et seq.*, and particularly La. R.S. 30:2033 and 2011(D)(6), I hereby make the following findings, declaration and order.

FINDINGS AND DECLARATION

1. The National Weather Service has issued flood alerts along the length of the Mississippi River, and has predicted river crests well above flood stage in many locations, which, combined with currently forecast weather conditions across the middle of the nation, create the potential for major or record flooding for states along the Mississippi River.
2. The National Weather Service has issued flood alerts for other bodies of water in the State that have the potential for moderate or greater flooding.
3. By State of Louisiana Proclamation No. 41 BJ 2011, Louisiana Governor Bobby Jindal declared on April 28, 2011 that a state of emergency exists statewide in Louisiana, due to the imminent threat of flooding (the Flood) along the length of the Mississippi River and in other bodies of water across the state that threatens the lives and property of the citizens of the State.

May 10, 2011

4. I find that the threat of flooding described above has created or will create conditions that require immediate action to prevent irreparable damage to the environment and serious threats to life or safety throughout the State.

WHEREFORE, I hereby declare that an emergency exists, and that the following measures are necessary to prevent irreparable damage to the environment and serious threats to life or safety throughout the State.

ORDER

§1. Wastewater Treatment Systems

a. Upset Provisions

Permittees with Louisiana Pollutant Discharge Elimination System (LPDES) permits should consider activating the upset provisions in their permits. LAC 33:IX.2701.N.1 defines upset as the following:

An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of LAC 33:IX.2701.N.3 are met. This Order extends upset provisions to include water quality based effluent limitations. For upsets caused by this Flood, the 24-hour oral notification is waived unless the non-compliance may endanger human health. Facilities shall not necessarily be required to upgrade or modify berms or any other internal secondary containment systems as a result of the 2011 Mississippi River flood event.

May 10, 2011

b. Authorization is hereby granted to discharge water placed in storage tanks or other containers or vessels for the purpose of stabilization, provided that the tanks, containers or vessels had been emptied of their previous contents prior to filling with the water. To the extent practicable, discharges should not contain free oil, hydrocarbons or other pollutants in other than trace amounts. No free oil shall mean that the discharge shall not create a visible sheen. Floodwater, including any commingled storm water, that accumulates along riverbanks, in impoundments or storage tanks, containers or vessels as a result of flooding may be discharged under the same conditions. In any event, operators shall take all reasonable precautions to minimize adverse impacts to human health and the environment.

c. Appendix A sets forth guidance to operators of sanitary wastewater treatment systems to aid in the return to compliant operations to prevent further damage to the environment and serious threats to life or safety throughout the Emergency Areas.

d. Alternative Discharge Points

Facilities unable to discharge to the Mississippi River due to the high water levels may discharge to alternate receiving streams and/or to the Mississippi River at an alternate location. This shall also include the transfer of wastewaters to another permitted facility's outfall(s). Any facility owner or operator who does discharge via a discreet point (receding floodwaters excluded) shall document the exact date(s) and time(s) any such discharge to the alternate receiving water or permitted outfall(s) at other facilities commenced and ended, the location of the alternate discharge point or other permitted outfall(s), and the name of the alternate receiving water body. The owner/operator shall comply with permit limitations and conditions applicable to the original outfall(s) discharging to the Mississippi River. Notations shall be made to the Discharge Monitoring Reports (DMRs) during the duration of discharge to the alternate receiving stream or other permitted outfall(s). A separate report detailing the analytical results during the time period of discharge to the alternate receiving stream shall be submitted to the Department as soon as possible, but no later than 30 days after the cessation of discharges from the flooding. Compliance with water-quality based provisions applicable to the alternate

May 10, 2011

receiving water body as established in LAC 33:IX.11 shall not apply during the period of discharge. Water quality based provisions that were applied in the permit for discharge to the Mississippi River shall remain in effect. Technology-based limitations shall continue to apply to the discharges to the alternate receiving water body as established in the facility's permit. All sanitary effluent shall be disinfected prior to discharge.

e. Inability to Sample or Monitor Discharges

If a facility is affected by floodwater such that it is unable to take samples or monitor continuous parameters such as flow and pH as required by its LPDES permit, then sampling and monitoring requirements shall be suspended at the affected outfall(s). The facility owner/operator shall record the date upon which sampling and monitoring ceased and the date upon which sampling and monitoring commenced, the outfall(s) affected, and describe the situation as it pertains to the floodwaters which caused the facility to be unable to take samples and conduct monitoring at the affected outfall(s), such as inaccessibility, safety issues, etc. The facility owner/operator shall provide a report on any inability to sample discharges and conduct monitoring to the Department as soon as possible, but no later than 30 days after monitoring and sampling capabilities have been restored. The facility owner/operator shall also note on its DMRs that sampling and monitoring were suspended as per this Order.

f. Captured Flood Water

If a facility or a portion of a facility is inundated with floodwater and the owner/operator is unable to take samples of or monitor that floodwater, then that facility shall be allowed to discharge or otherwise allow receding of such floodwater and any commingled waste water without sampling and monitoring provided that the facility takes reasonable precautions to protect human health and property. The facility owner/operator should prevent the mixing of process wastewater and floodwater whenever possible. The facility owner/operator shall record the details of the event and submit a report to the Department as soon as possible after monitoring and sampling capabilities have been restored, but no later than 30 days after the cessation of discharges from the flooding.

May 10, 2011

g. Discharges from Temporary Housing Locations

Guidelines pertaining to sanitary discharges related to temporary housing sites are provided in Appendix B of this Declaration.

h. Gray Water Discharges

The Department hereby authorizes discharges of gray water from facilities affected by the Flood that comply with the requirements set forth in Appendix C.

i. Storm Water Discharges

i. U.S. Army Corps of Engineers

The Department hereby authorizes the U.S. Army Corps of Engineers to discharge storm water runoff from construction activities related to Flood preparation, prevention and/or response activities. Best Management Practices to avoid erosion and offsite transport of sediments are to be implemented to the greatest extent practicable. The Storm Water General Permit For Construction Activities Five (5) Acres Or More (LAR100000) can be accessed at <http://www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/LAR100000.pdf>, and contains applicable Best Management Practices for erosion and sediment controls in Part IV. Storm Water Pollution Prevention Plans.

ii. Electrical and Communications Utility Companies

The Department hereby authorizes public utility companies providing electricity or communications services to discharge storm water runoff from construction activities related to Flood preparation and response activities in the Emergency Areas, including restoration of electrical and communication services. Best Management Practices to avoid erosion and offsite transport of sediments are to be implemented to the greatest extent practicable. The Storm Water General Permit For Construction Activities Five (5) Acres Or More (LAR100000) can be accessed at <http://www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/LAR100000.pdf>, and

May 10, 2011

contains applicable Best Management Practices for erosion and sediment controls in Part IV. Storm Water Pollution Prevention Plans.

j. Biosolids Land Application Projects/Sites Management:

i. If flooding should occur, land application of Class B Biosolids should not take place at permitted land application sites.

ii. Land application of a Class B Biosolids at permitted sites should not resume until flooding has subsided and the water table is below 2 feet.

iii. Facilities which prepare Exceptional Quality (EQ) Biosolids should re-prepare/retreat EQ Biosolids or dispose of the EQ Biosolids if stored “on-site” and subjected to flooding.

iv. Facilities utilized to prepare sewage sludge to EQ Biosolids should halt operation immediately and should not resume operation until the flooding has subsided and the facility has been properly cleaned. For additional information, contact Melvin Mitchell, Administrator, LDEQ, Office of Environmental Services, Water Permits Division, 225-219-3197.

k. Acceptance of sewage sludge:

i. Operators of wastewater treatment facilities who are not already authorized by permit to do so are hereby authorized to accept hauled sewage sludge (as defined at LAC 33:IX.7301.B), provided that the following criteria exist:

(a) Acceptance of the sewage sludge is necessary to facilitate Flood recovery (e.g., by preventing septage from backing up in homes or by preventing lift stations from overflowing or otherwise malfunctioning). This authorization does not apply to the routine pumping of septic tanks, portable toilets, marine sanitation devices, or holding tanks not related to the Flood recovery;

(b) The wastewater treatment facility can handle the hauled sewage sludge without contributing to adverse effects on human health or the environment or impeding recovery of the treatment facility itself; and

(c) The operator immediately notifies the LDEQ Water Permits Division of the acceptance of the sewage sludge, by telephoning Melvin Mitchell or Eura

May 10, 2011

Dehart, at (225) 219-3197, and provides written notification within 30 days to the Office of Environmental Services, Water Permits Division, P.O. Box 4313, Baton Rouge, Louisiana 70821-4313, or by e-mail to mitch.mitchell@la.gov or aura.dehart@la.gov.

I. For all discharges authorized under this Order, the following conditions apply:

i.) All discharges authorized under this Order are solely for the purpose of protecting human health and property and to facilitate rescue and recovery efforts.

ii.) The owner/operator shall notify the Office of Environmental Services, Water Permits Division by no later than thirty days after the effective date of this Declaration of Emergency and Administrative Order, that a discharge has occurred or is anticipated.

iii.) For each discharge, the owner/operator shall record the location of the discharge, the date and time the discharge commenced and ceased, the approximate volume of the discharge, any known or suspected pollutants that originated from the facility and are present in the discharge, and the receiving water body. The specific type of discharge and a reference to the specific section(s) of this Order authorizing the discharge shall be included. These records shall be kept on-site and available for inspection by the Office of Environmental Compliance, Surveillance Division, for three years, and reported to the Office of Environmental Services, Water Permits Division by no later than ninety days after the effective date of this order, and quarterly thereafter, until expiration of this Declaration of Emergency and Administrative Order or any subsequent extensions or revisions thereof.

iv.) The owner/operator shall take all reasonable and practicable measures to minimize the volume and duration of the discharge.

v.) The owner/operator shall take all reasonable and practicable measures to prevent or minimize erosion due to the discharge and any other potential impacts on the receiving water body.

May 10, 2011

§ 2. Solid Waste Management

a. Owners and operators of solid waste management facilities and local governments should consult and adhere to the State of Louisiana “Comprehensive Plan for Disaster Clean-up and Debris Management,” September 29, 2010 edition (Debris Management Plan), which appears as Appendix D, except where the Debris Management Plan may be in conflict with the provisions of this Order. In the event of conflict, the provisions of this Order shall prevail.

b. Owners and operators of solid waste management facilities permitted by the Department before the Flood are authorized to make all necessary repairs to restore essential services and the functionality of storm water management and leachate collection systems damaged by the Flood, without prior notice to the Department. Within thirty (30) days of commencing the work of such repair or replacement, however, the permittee shall notify the Department in writing, describing the nature of the work, giving its location, and providing the name, address, and telephone number of the representative of the permittee to contact concerning the work.

c. Uncontaminated construction and demolition debris may be disposed of in a permitted Type III landfill, and may be temporarily managed at an emergency debris site authorized by the Department. Uncontaminated construction and demolition debris that is mixed with other uncontaminated Flood-generated debris, such as white goods or household hazardous waste, shall be segregated from other solid waste prior to disposal in a permitted landfill or authorized disposal site, except in cases where segregation is not practicable.

d. White goods (i.e., unsalvageable air conditioners, stoves and range tops, as well as refrigerators and freezers from which food has been removed) shall be stored in an area separate from other solid wastes and shall be stored in a manner that prevents vector and odor problems. No white goods may be stored at an emergency debris site without written authorization from the Department specifically allowing storage of those materials at the emergency debris site. All white goods shall be

May 10, 2011

removed from the emergency debris site and sent offsite for recycling, or recycled onsite, within ninety (90) days of initial receipt at the site.

e. Permitted landfills or transfer stations that accept Flood-generated debris in accordance with the terms of this Order, may accept Flood-generated debris for disposal or storage without the need to first modify existing permits, as follows:

i.) Prior notification is submitted to the Department describing any proposed deviations from permit conditions;

ii.) any proposed deviations from permit limits must be within the bounds of engineering assumptions used in the design of the facility, and conducted in accordance with the Debris Management Plan (Appendix D); and

iii.) Written approval by the administrative authority (including electronic mail) of the proposed deviations is received from the Department.

Operators of landfills or transfer stations approved for permit deviations under this Order may be required to submit application for modifications of their existing permits to address any long-term impacts of accepting Flood-generated debris on operations and closure that are not addressed in existing permits if it is determined long term impacts will result from these activities. Long-term impacts are those that will extend past the expiration date of this Order. The requests for modification shall be submitted no later than thirty (30) days after the effective date of this Declaration of Emergency and Administrative Order, unless otherwise extended by the Department. No permit fee will be required for any modifications necessitated solely by the Flood clean-up activities. The Department may, for good cause shown, issue a temporary authorization pursuant to LAC 33:VII.511.B.1.a for activities that are addressed in a permit modification request as provided for in this subsection, to authorize operations after expiration of this Order, pending a decision on the modification request.

f. Owners and operators of solid waste disposal facilities permitted by the Department before the Flood may be unable to obtain an adequate supply of the type cover material specified in their permit for daily and interim cover because of the Flood.

May 10, 2011

Under such circumstances, the department may allow the use of alternative cover on a case-by-case basis. If a permitted facility determines alternative cover is needed, the facility shall provide the department with a description of the material to be utilized and the source of the material.

g. Waste Tires

The Secretary of the Louisiana Department of Environmental Quality finds that the conditions resulting from the Flood may cause or contribute to an extraordinary drain on State of Louisiana resources and in particular on the Waste Tire Management Fund (WTMF) provided for in La. R.S. 30:2418. Those conditions include the damaging and/or abandonment of automobiles in the affected areas. It is anticipated that most of these vehicles will be salvaged or scrapped, with the four to five tires on each vehicle being sent for either disposal, resale, and or recycling. This sudden influx of waste tires and used tires into the system may result in an inordinate immediate drain on the WTMF and an inability to properly account for the diversion of tires to recycling projects and for resale. As a result, the Secretary does hereby order the following:

i) All tires removed from vehicles within the affected areas that are salvaged and/or scrapped because of damage resulting from the Flood shall be tracked and are ineligible for payment from the WTMF.

ii) All tires that are collected in the affected areas through debris collection activities and deposited at parish collection centers, if established, will be ineligible for payment of the WTMF subsidy, but are to be treated as debris under existing debris removal programs. Tires must be classified for either recycling under existing approved beneficial uses, or for resale. Any person who claims for resale any tires from salvaged or scrapped vehicles in the affected area shall report to the Department the number of such tires classified for resale, and their destination, within fifteen (15) days.

iii) All tires that are removed from automobiles in the affected area that are destined for salvage because of damage resulting from the Flood must be collected,

transported, and either recycled or disposed of with an accompanying manifest that lists the tires as being ineligible for the WTMF. If the tires are deemed “used tires” for resale, such a declaration must be reported to the Department by the person responsible for removal of the tires from the vehicle being scrapped and or salvaged. The report must contain the VIN number of the vehicle being scrapped and or salvaged, the number of tires being removed, the number being classified for resale, and the number classified for recycling and/or disposal.

iv) Eligibility of tires for the WTMF subsidy shall be governed by the most current version of this document.

§ 3. Hazardous Waste

a. In accordance with the Debris Management Plan, hazardous waste generated as a result of the Flood event must be separated from other Flood-generated waste and disposed of at a permitted hazardous waste disposal facility. Household wastes collected during this event, which are exempt from the regulatory requirements applicable to hazardous wastes, must be managed not only in an environmentally sound manner but also in accordance with the appropriate LDEQ rules and regulations governing the storage and processing of this type of waste.

b. A blanket approval of time extensions under Louisiana Administrative Code 33:V.1109.E.2 is necessary within the Flood-affected areas for hazardous waste generators and small quantity generators for the storage of their hazardous wastes on site, pending the cleanup of the Flood damage and restoration of essential services. The rules authorize a thirty-day extension because of unforeseen and uncontrollable circumstances. The specific effects of the Flood were unforeseen and uncontrollable. Therefore, to avoid having to issue a potentially large number of individual approvals on a case-by-case basis and waste limited agency resources during the time of emergency, the Department authorizes a general extension of time of thirty (30) days from the expiration of the ninety-day accumulation period for the storage of hazardous wastes on site by all hazardous

May 10, 2011

waste generators in Flood-affected areas, for whom the ninety-day accumulation period expires within the term of this Order.

§ 4. Open Burning

a. The Department authorizes local governments or their agents to conduct the open burning of Flood-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris within or outside of the Flood-affected areas, provided that the provisions of LAC 33:III.1109.D.6. are met, and it is consistent with the Debris Management Plan (Appendix D), Section 7.5. This Order does not authorize any other outdoor burning of non-listed debris streams. Within seven (7) days of commencing any such burning, the local government or its agent shall notify the Department in writing, describing the general nature of the materials burned, stating the location and method of burning, and providing the name, address, and telephone number of the representative of the local government to contact concerning the work and the anticipated duration of the burning event. This Order does not relieve the local government or the agent from any requirement to obtain an open burning authorization from any other governmental entity empowered to grant such authorizations. Notwithstanding the provisions of this paragraph, the burning of asbestos-containing materials, construction and demolition debris, solid waste (other than vegetative debris) or hazardous waste is prohibited.

b. The Department will consider, on an individual basis, requests for approval for open burning, by persons other than local governments or their agents, of Flood-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris. Any such burning approved by the Department must be conducted in compliance with the requirements of LAC 33:III.1109.D.6.

§ 5. Air Pollution Sources Other than Open Burning

a. The Department authorizes the minor repair of any previously permitted stationary source of air pollution that was damaged by the Flood to restore it to its previously permitted condition without prior notice to the Department. Within thirty (30)

May 10, 2011

days of commencing such repairs, however, the permittee shall notify the Department in writing, stating the location and nature of the work and providing the name, address, and telephone number of the representative of the permittee to contact concerning the work. Minor repairs are repairs that would not constitute reconstruction under any definition of 40 CFR Part 60 or 63 and that could not affect potential to emit any pollutant, and that would not constitute a violation of any other provision of the NSPS, MACT, or NESHAP standards. Repairs that would constitute reconstruction under any definition of 40 CFR Part 60 or 63, or repairs that could affect potential to emit any pollutant are not authorized by this Order.

b. The Department will consider, on an individual basis, requests for approval for, but not limited to, the following sources of air pollution:

i) temporary air pollution control devices, such as portable flares, used for vessel and pipeline segment purging and the limited operation of facilities with damaged vapor control equipment;

ii) portable storage tanks, used for interim storage while damaged equipment is being repaired; and

iii) repairs, other than the minor repairs addressed in Section 5.a above, of permitted stationary sources that have been damaged by the Flood, provided that the sources are restored or replaced with equipment that is identical or the functional equivalent, to meet permit conditions.

Requests should be directed to the Office of Environmental Services, Air Permits Division.

c. LAC 33:III.507.J.2 provides that an upset condition constitutes an affirmative defense to an action brought for noncompliance with technology-based emissions limitations. LAC 33:III.507.J.2.d requires the permittee to notify the Department no later than two (2) working days after the time emissions limitations were exceeded due to the upset. Because of the circumstances caused by the Flood and the need to apply facility resources to quickly repair and correct conditions caused by the upset, the Department extends the notification deadline referenced above to seven (7) days.

May 10, 2011

d. In accordance with LAC 33:III.501.B.1.e, owners or operators may bring on site and utilize nonroad engines, including, but not limited to, temporary portable electrical power generators, firewater pumps, and air compressors, as necessary. “Nonroad engine” is defined in LAC 33:III.502.A. Note that an internal combustion engine is not a nonroad engine if it remains or will remain at a location for more than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced shall be included in calculating the consecutive time period.

e. For permitted internal combustion engines operated in direct response to the Flood, including, but not limited to, electrical power generators, firewater pumps, and air compressors, the Department suspends any limitations on operating time imposed by the applicable permit until such time as normal operations are restored or until the expiration of this Order, whichever is earlier. Emissions from the operation of such engines operated pursuant to this Order shall not count toward applicable ton per year limitations. All other provisions applicable to the engines shall continue to apply.

i) The owner/operator shall notify the Office of Environmental Services, Air Permits Division, in writing, by no later than thirty days after the effective date of this Declaration of Emergency and Administrative Order, that operation of permitted internal combustion engines in excess of permitted limits has occurred or is anticipated. Relevant emission point and permit numbers should be included in this correspondence.

ii) A report summarizing the operating time of permitted internal combustion engines in direct response to the Flood and the resultant criteria and toxic air pollutant emissions shall be submitted to the Office of Environmental Services, Air Permits Division by no later than thirty days after the effective date of this Declaration of Emergency and Administrative Order unless otherwise extended by the Department.

f. The Department suspends applicable limitations on throughput and

May 10, 2011

emissions imposed on fuel loading racks by air quality permits through the expiration of this Order in order to maximize fuel availability in response to the Flood. Emissions from loading operations during this period shall not count toward applicable ton per year limitations.

i) The owner/operator shall notify the Office of Environmental Services, Air Permits Division by no later than thirty days after the effective date of this Declaration of Emergency and Administrative Order, that throughput in excess of permitted limits has occurred or is anticipated. Relevant emission point and permit numbers should be included in this correspondence.

ii) A report summarizing the throughput in excess of permitted limits and the resultant criteria and toxic air pollutant emissions shall be submitted to the Office of Environmental Services, Air Permits Division by no later than ninety days after the effective date of this Declaration of Emergency and Administrative Order, and quarterly thereafter until the expiration of this Order, or any extensions or revisions thereof.

g. To accommodate the distribution of liquid materials, the department suspends throughput and emissions limitations imposed on transfer operations, including tank truck and railcar loading racks and marine tank vessel loading operations, provided that compliance with all applicable federal and state regulations pertaining to the transfer of the materials loaded (e.g., LAC 33:III.2107, LAC 33:III.2108, 40 CFR 63 Subpart H, 40 CFR 63 Subpart Y) is maintained.

i) The owner/operator shall notify the Office of Environmental Services, Air Permits Division by no later than thirty days after the effective date of this Declaration of Emergency and Administrative Order, that throughput in excess of permitted limits has occurred or is anticipated. Relevant emission point and permit numbers should be included in this correspondence.

ii) A report summarizing the throughput in excess of permitted limits and the resultant criteria and toxic air pollutant emissions shall be submitted to the

May 10, 2011

Office of Environmental Services, Air Permits Division by no later than ninety days after the effective date of this Declaration of Emergency and Administrative Order, and quarterly thereafter until the expiration of this Order, or any extensions or revisions thereof.

h. To accommodate the storage and/or distribution of liquid materials, owners or operators may change the service of permitted storage vessels without prior approval of the department provided compliance with all applicable federal and state regulations pertaining to the storage of the material in question (e.g., LAC 33:III.2103, 40 CFR 60 Subpart Kb) is maintained. All changes of tank service effected pursuant to this paragraph shall be documented and reported to the Office of Environmental Services, Air Permits Division, by no later than thirty days after the effective date of this Declaration of Emergency and Administrative Order, and quarterly thereafter until the expiration of this Order, or any extensions or revisions thereof.

§ 6. Asbestos Clean-up

a. Asbestos clean-up shall be conducted in accordance with LAC 33:III.5151, and other regulations applicable to asbestos. The Department waives the requirement for prior notification for emergency demolition or emergency cleanup of asbestos-containing material that is structurally unsound and in danger of imminent collapse resulting from the Flood. Within one (1) business day of commencing such demolition or cleanup, however, the person responsible for such work being undertaken by order of state or local government shall notify the Department in writing. The notification shall be submitted on the Asbestos Notification of Demolition or Renovation Form AAC-2, which may be found at <http://www.deq.louisiana.gov/portal/tabid/2883/Default.aspx>. The procedures in LAC 33:III.5151 (demolition/renovation) and LAC 33:III.Chapter 27 (accreditation and training requirements) for handling asbestos-containing material shall be complied with during demolition, cleanup, transportation, and disposal, except as otherwise provided herein. Construction and demolition debris generated from residential structures of four units or

May 10, 2011

less that are subject to a government ordered demolition (if ordered) and that are assumed to contain potential asbestos-containing waste material shall be disposed of in a permitted Type I or II landfill. The Department will provide a written response to any request for authorization for a Type I or II landfill to dispose of asbestos containing waste material. Burning and grinding of asbestos-containing material is prohibited.

b. Local education agencies and state government may make emergency use of a building as a school or state building. The agency making use of the building may request an extension of the deadline to inspect the building within 30 days of the decision to use the building pursuant to LAC 33:III.2707.A.2.

c. The Department waives the requirement pursuant to LAC 33:III.2723.A.2 that the local education agency or state government must submit a management plan prior to any building's use as a school or state building. A management plan shall be submitted within six (6) months of the initial use of the building.

§ 7. Underground Storage Tanks

Before placing any Flood impacted Underground Storage Tank (UST) system back in operation, and no later than ninety (90) days after Flood related conditions permit, the owner and/or operator shall perform an emergency evaluation of the UST system. The evaluation shall consist of, at a minimum, a general inspection of the UST system, followed by performing the start up protocol contained in Appendix F, "Plan For Evaluating Underground Storage Tank Sites Impacted by the 2011 Flood." Before placing fuel into any UST system that has been damaged or has sustained a release, the owner/operator must repair or replace the UST system, perform precision tank and line tightness tests and leak detection system tests, and provide a fully functional corrosion control system.

During the time that the UST system is not accessible due to conditions resulting from the Flood, the owner/operator of the UST system is relieved of the requirements for release detection, corrosion protection, and inventory control. Each owner/operator shall report any suspected UST releases to the Department within seven (7) days of

May 10, 2011

gaining knowledge of the suspected release, unless an emergency condition makes it impossible for the owner/operator to do so, in which case the owner/operator shall report the suspected release to the Department as soon as he/she is able. All recordkeeping requirements for inoperable systems are suspended during the time of this Order. During the time of this Order, in the areas affected by the Flood, non-compliance with release detection, corrosion protection, and inventory control for UST owners and operators will not constitute non-compliance for purposes of the deductibles enumerated in La. R.S. 30:2195.10.

§ 8. Special Waste (Reuse and Recycle)

Every effort should be made to minimize the disposal of reusable and recyclable material in landfills as noted in the Debris Management Plan (Appendix D). Appendix G lists special waste from specific sources (households, businesses, schools, public buildings, automobiles and boats) and references the FEMA Debris Plan, which provides information intended to assist operators of solid waste facilities, recycling centers, scrap metal dealer, local governments, and contractors in handling of certain debris from the Emergency Areas.

§ 9. Records Management

Hard copy or electronic copies of files associated with environmental issues for your facility may be available at the Department. Files destroyed by the Flood can be obtained by the Responsible Persons for your system from the Department free of charge. Please contact Records Management at (225) 219-3172 or online at <http://www.deq.louisiana.gov/pubRecords/>.

§ 10. General Conditions

a. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

May 10, 2011

b. This Order only serves as relief for the duration of this Order from the regulatory and proprietary requirements of the Department, and does not provide relief from the requirements of other federal, state, and local agencies. This Order therefore does not negate the need for the property owner or facility operator to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies.

§ 11. General Limitations

The Department issues this Order solely to address the emergency created by the Flood. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise.

§ 12. Other Authorizations Required

Nothing in this Order shall eliminate the necessity for obtaining any other federal, state, or local permits or other authorizations that may be required.

§ 13. Extension of Time to Comply with Specified Deadlines

For facilities regulated by the Department that are affected by the Flood, this Order extends the time for a period of thirty (30) days to comply with the following specified deadlines that occur between effective date of this Order, and ninety days thereafter:

a. The time deadlines to conduct or report periodic monitoring required by permits, other authorizations, enforcement actions, or settlement agreements, except for monitoring required by air permits issued under Title IV or V of the Clean Air Act or under the PSD program;

May 10, 2011

b. The time deadlines to file an application for renewal of an existing permit, except for air permits issued under Title V of the Clean Air Act.

§ 14. Completion of Authorized Activities

All activities authorized under this Order must be commenced before the expiration of this Order unless otherwise provided in an authorization or permit. The deadline for commencement under any authorization or permit issued under this Order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, or other local, state, or federal agencies.

§ 15. Enforcement Discretion

The Department is vested by law with discretion as to the exercise of its enforcement authority to address violations of law, regulations, and permits. The Department will consider, on a case-by-case basis, requests for the exercise of this discretion with regard to violations that result from the Flood.

§ 16. Amendments

This Order may be amended as required to abate the emergency.

§ 17. Expiration Date

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire ninety days from the date of execution set forth below, unless modified or extended by further order.

DONE AND ORDERED on this ____ day of _____, 2011, in Baton Rouge, Louisiana.

Peggy M. Hatch
Secretary

May 10, 2011

APPENDIX A

GUIDANCE PROTOCOL FOR SANITARY WASTEWATER TREATMENT SYSTEMS

The following protocol is intended to assist operators of sanitary wastewater treatment systems in the Emergency Area in start up and operation.

1. Access

Entrance to the treatment plant should be considered only after flood waters have receded enough to allow safe operation of the treatment plant including the safe conditions for staff. Accessibility to treatment plants in restricted areas may need to be cleared with the Office of Emergency Preparedness. Contact the local sheriff if assistance in gaining access to the treatment plant is required. The use of sound personal protective equipment for safety in unsanitary or unsafe conditions is required. Early return to compliant operation minimizes long-term problems within the entire wastewater system.

2. Power Supply

For use of generator power, arrange for a reliable and continual fuel source. Contact the Department of Agriculture if assistance in obtaining fuel for power generation at your treatment plant is needed. If no generation is available and you must wait for electrical providers; consider notification to residents of the effect on collection lines. If removal of clean out plugs is needed to prevent back up into homes, notify affected customers warning them to remain clear of these areas. If pump trucks are used, LDEQ can advise of locations to dispose of the pumped sewage.

3. Start Up

Once it is safe, re-power the treatment system, aerators and pumps. The primary goal is to remove sanitary wastewater from contact with humans, while making every effort to do so in a manner that is practical and least impacting on the environment. Activate disinfection units and maintain them. Initial effluent will likely be poorly treated and of a very poor quality. Adequate disinfection will be important to protect human health downstream of the discharge. If the system has been down and/or without power for an extended period of time, resident bacteria used in the treatment process may need to be re-established. Consider reseeded the system with activated sludge from operating aerated treatment plants. Several treatment plants are available for use in reseeded. Contact the Department's Water Permits Division, Melvin "Mitch" Mitchell, 225-219-3197, or by email at mitch.mitchell@la.gov for information regarding system seed sources.

May 10, 2011

4. Monitoring

Watch plant operations carefully to confirm it is functioning properly. Ensure that lift stations within the collection system are returned to functionality as soon as possible. Without functioning lift stations, sewage is not being removed from residences and sent for treatment. Visually observe effluent to maximize treatment effectiveness in the short term. If simple tools and/or tests are available to diagnose the plant's operational status ("sludge judge," settle-o-meter, dissolved oxygen meters, BOD analyses) use them frequently. If your plant is discharging poorly treated sewage, consider the impacts to persons, fish and wildlife downstream, including the possibility that drinking water intakes may be located downstream of your effluent. Notification to downstream users may be necessary to protect human health. Sample and analyze your effluent per LPDES requirements as soon as you are able.

5. Notifications and Documentation

Discharges that result in emergency conditions (threat to human health and the environment) must be reported immediately (1-877-925-6595). Discharges that result in emergency conditions (threat to human health and the environment) may require notification to affected persons. Report to the Department any discharges that interfere with downstream uses, such as swimming or drinking water sources or if fish kills occur. Discharge Monitoring Reports (per permit requirements) should be used to notify the Department of non-emergency conditions. Notification to sewage users may be necessary if problem with the system prevents removal of sewage from residences (or other human contact) on an on-going basis. Notification to downstream users may be necessary to protect human health. Notify the Local Office of Emergency Preparedness when Flood damage repairs are known – Federal Emergency Management Agency (FEMA) may be able to help with costs associated with Flood damage.

A permittee who wishes to establish the affirmative defense of upset must document the cause of the upset, that the facility was being properly operated at the time of the upset, that notice of the upset that exceeded effluent limitations was submitted to the DEQ and that the permittee took all reasonable steps to minimize or prevent the likelihood of adversely affecting human health or the environment.

APPENDIX B

TEMPORARY HOUSING SITE SELECTION

Initial Screening

Sanitary Wastewater

- Attempts must be made to route sanitary wastewater to an existing wastewater collection system or wastewater treatment system whenever feasible. This option requires no permitting action or approval from the Department. However, the owner/operator shall notify the Department, in writing, of any such discharge to an existing wastewater collection system.
- If a point source discharge is to be made into waters of the state, identify the effluent route to the first named waterbody (a waterbody that is readily recognizable).
- Avoid discharge into a drainage system that goes through or next to a sensitive area. Sensitive areas include, but are not limited to: drainage behind a subdivision, school, or park; drainage that routes the effluent through a private pond or private property; or discharge into a designated outstanding natural resource waterbody.
- If possible, route effluent directly into the largest waterbody in the vicinity, or into the waterbody's drainage system as close as possible to the waterbody.
- Mobile homes will be rated at 250 gallons per day per mobile home. Travel trailers will be rated at 125 gallons per day per trailer. If washing machines will be made available outside of the mobile home or travel trailer (in a washateria) 800 gallons per day per washing machine will be factored into the allowable capacity. Any combination of the above should be utilized to determine overall gallons per day per site.
- All single point source discharge into waters of the state should be limited to 100,000 gallons per day in order to qualify for rapid coverage under the Louisiana Pollutant Discharge Elimination System General Sanitary Permit. Discharges in exceedence of 100,000 gallons per day will be evaluated by the Department on a case-by-case basis in compliance with water quality standards of the receiving waterbody.

Waste

May 10, 2011

- If feasible, select site that is an existing development, such as, an existing mobile home park, or a site that has existing infrastructure that can be utilized.
- Research existing databases and make on-site physical observations for former municipal waste sites, abandoned hazardous waste sites, former underground storage tank remediation sites, etc. These are areas should be avoided as locations for staging or locating temporary housing.

Notification after Initial Screening

- After the initial screening, notify the Department and provide the following information:
 - Location – site name, physical location (911 address if available) and coordinates (i.e. latitude and longitude) shall be provided.
 - Identify the method of wastewater treatment or management. Notification must be made of connection to an existing wastewater collection system or treatment system (provide name of system); collection for off-site disposal (provide disposal name/location); or treatment and discharge to surface waters of the state.
 - If proposal is to discharge to surface waters from a treatment system that did not previously discharge at the proposed location, provide an estimated design flow (based on numbers above) and the effluent discharge route to first named waterbody. (Ex. unnamed ditch, to LA Hwy 19 ditch, to unnamed creek, to White's Bayou, to the Comite River.)
- Notification must be made to the Department at P. O. Box 4313, Baton Rouge, LA 70821-4313 or by fax at (225)219-3156 to the attention of the Administrator of the Water Permits Division.
- Following notification as provided in this section, the Department will provide comments on the proposed site.

Storm Water Permit Prior to Construction

- If dirt work is going to be required at the site, a stormwater general permit for construction may be required.
- If the area to be developed is less than one (1) acre, coverage under a stormwater general permit is not required.

May 10, 2011

- If the area to be developed is at least one (1) acre but less than five (5) acres, coverage under Construction General Permit LAR200000 will be required. A Notice of Intent (NOI) is not required to obtain coverage under this permit. However, a storm water pollution prevention plan (SWPPP) must be prepared and implemented at the time construction begins. A copy of the permit is available at <http://www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/LAR200000.pdf>. A Notice of Termination (NOT) is required when construction is complete.
- If the area to be developed is five (5) acres or greater, coverage under the Construction General Permit, LAR100000, will be required. Submittal of a NOI (CSW-S) is required prior to commencement of construction. The NOI can be found at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837>. A copy of the general permit can be found at <http://www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/LAR100000.pdf>. Submission of an NOT is required when construction is complete.
- Close attention must be given to the Historic Preservation sections of each of the construction general permits for any construction at previously undeveloped sites.
- Coverage under the construction general permits is necessary prior to construction. However, authorization to discharge as described is not required before construction, but is required before the discharge begins.

Registration for Authorization for Direct Discharges

- For discharges totaling less than 100,000 gallons per day, a Notice of Intent (NOI), form WPS-G, must be submitted to the Department at the above address. The NOI is available at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837>. Copies of LPDES Sanitary General Permits are available on the Department's web site at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=245>.
- Proposed discharges greater than 100,000 gallons per day and particular discharges going directly into the Mississippi may be granted authorization to discharge under an Administrative Order or an individual LPDES permit on a case-by-case basis. If an Administrative Order is granted, application for a permit shall be made to the Department within thirty (30) days. Please contact the Department for additional information if this applies to your site.
- Contact for coverage under a Sanitary General Permit can be made to Tom Killeen, Manager Municipal and General Permits Section @ (225) 219-3097 or by e-mail at tom.killeen@la.gov.

May 10, 2011

Additional Recommendations for the Housing Sites

Water

- Wastewater treatment plants (WWTP) must be operated by a certified operator.
- WWTP's must be properly operated and maintained at all times.
- Disinfection of effluent must be provided.
- Permittee should implement a program to inform residents of things that might be harmful to the WWTP such as the introduction of grease or large amounts of household chemicals to the treatment plant.

Waste

- Provide for collection and disposal of solid waste.
- Provisions should be made for proper disposal of household hazardous waste during the operation of the facility and as residents leave the facility.
- It is recommended that the residents be informed on the benefits and requirements of proper disposal of solid waste and household hazardous waste.

Recycling

- Whenever feasible, provide for recycling, such as, providing a recycling center on site with appropriate recycle containers.
- Inform residents on the proper procedures for recycling household materials.
- Recycling incentives for residents can prove beneficial.

Open Burning

- Open burning at these sites should be prohibited. This does not include charcoal or gas grills.

Site Closure

- Once all the residents have left, the site must be closed.

May 10, 2011

- All solid and household hazardous waste shall be removed and properly disposed.
- If a WWTP was used for treatment of sanitary wastewater, it shall be removed. A request for termination of coverage under the permit or Administrative Order issued for coverage must be submitted to the Department.
- Notification of closure must be made to the Department through SPOC (225-219-3640 or Toll Free 1-888-763-5424). The Department will approve the site for closure.

May 10, 2011

APPENDIX C

REQUIREMENTS FOR THE CONDITIONAL AUTHORIZATION OF DISCHARGES OF GRAY WATER TO SURFACE WATERS OF THE STATE OF LOUISIANA

For purposes of these requirements, gray water shall be defined as wastewaters from all fixtures except toilets, including but not limited to wash waters from kitchen, bathroom, and laundry sinks, tubs, and washers.

Unless the Department gives written notice to the contrary, gray water discharges to surface waters of the State, within the Emergency Areas, are hereby authorized, if the following requirements are met:

- Attempts must be made to route gray water to an existing wastewater collection system or wastewater treatment system whenever possible.
- Discharges of gray water shall be made directly into a ditch, drainage or waterbody where feasible.
- Human contact with gray water discharges shall be avoided to the greatest extent possible.
- Surface application of gray water shall not be used for irrigation of food plants.
- The discharge of gray water may not contain human waste or any chemicals derived from activities such as cleaning car parts, washing greasy or oily rags, disposing of waste solutions, or soiled or infectious garments.
- The application of gray water shall be managed to minimize standing water on the ground surface.
- Any gray water storage tank must be covered to restrict access and to eliminate habitat for mosquitoes or other vectors.

May 10, 2011

APPENDIX D

Debris Management Plan

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

Declaration of Emergency & Administrative Order – Flooding

May 10, 2011

May 10, 2011

APPENDIX E

LDEQ Inspection Protocol to comply with the term “thorough inspection”

An LDEQ accredited asbestos inspector performs an inspection whereby all suspect Asbestos Containing Material (ACM) is sampled and samples are analyzed by an LDEQ accredited laboratory, utilizing Polarized Light Microscopy (PLM). This includes but is not limited to:

1. Friable material such as walls, ceilings, insulating materials, floor coverings, fire proofing, window caulking, etc;
2. Category I nonfriable ACM that has become friable;
3. Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, in accordance with 40 CFR Subpart M-National Emission Standard for Asbestos, 61.141. Definitions; and
4. Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

Category II material such as cement asbestos containing roofing shingles and siding are to be assumed ACM.

The number of samples taken shall be in accordance with the Asbestos Hazard Emergency Response Act (AHERA). Where feasible, AHERA should be employed with the exception of a partial inspection.

An inspector may make a determination that Category I material such as resilient floor covering, caulking, etc. is in good condition by administering hand pressure. If the material is not friable and in good condition, it is not necessary to sample the material because it is Category 1 in good condition that does not have a high probability of becoming regulated ACM, and is therefore considered to be non regulated.

Partial Inspection

Where a “thorough inspection” can be conducted on the majority of the structure, including sampling of suspect ACM if any is present, that procedure will be completed to the extent possible. If suspect RACM is present and verified by sampling to be RACM, the structure will be demolished and disposed as RACM. In the case where the partial inspection reveals either no suspect RACM or sampling demonstrates that no RACM is present, that part of the structure will be demolished as C&D debris.

May 10, 2011

After the unstable/inaccessible portions of the structure are made safe and accessible, the accredited asbestos inspector will verify that the materials in that part of the structure are homogeneous with the materials that were inspected during the partial inspection. If determined to be homogeneous and no other RACM is identified, the remainder of the structure will be determined to be C&D debris. However, if the inspector determines that the materials in the unstable/inaccessible portion of the structure are not homogeneous or that RACM is present, the unstable/inaccessible portion of the structure will be demolished and disposed as RACM.

May 10, 2011

APPENDIX F

PLAN FOR EVALUATING UNDERGROUND STORAGE TANK SITES AFFECTED BY THE 2011 FLOOD

PROBLEM DEFINITION

By State of Louisiana Proclamation No. 41 BJ 2011, Louisiana Governor Bobby Jindal declared on April 28, 2011 that a state of emergency exists statewide in Louisiana, due to the imminent threat of flooding (the Flood) along the length of the Mississippi River and in other bodies of water across the state that threatens the lives and property of the citizens of the State. Underground Storage Tank (UST) sites may become impacted by flood waters which will require actions be taken to place these sites back into operation. Steps necessary to place the site into operation are being outlined to ensure that new releases do not occur and if releases are identified in this process that they are properly addressed. The focus of this effort will be to place these sites into operation while ensuring protection of human health and the environment.

BACKGROUND

The flooding and damage related to this event has raised many issues regarding Underground Storage Tank site status. Damage to UST systems as well as remediation systems is expected. The impact of this damage must be evaluated to determine what steps are necessary to place these sites back into service.

Damage that occurs to UST systems generally results from: the buoying up of tanks which are partially full or empty, water entering the tanks and displacing product, failure of underground piping as a result of stresses induced by groundwater pressures or debris, and damage to electrical systems from extended contact with water. Additionally, another route of infiltration exists if the level of floodwaters exceeds the top of the vent lines. Regulated UST's which are weighted down with fuel or anchored by other means (deadmen or attached to an underlying pad) and have properly installed and tightened filler caps and vapor recovery port caps should sustain little impact, even after being submerged for days.

Tanks in which fill caps are not tightened will fill with water and then spill product, some of which may percolate into shallow soil. Empty or near-empty tanks will float up, destroying overlying concrete/asphalt and distribution lines, also spilling product. In these situations, it is expected that the entire UST system would require replacement. Presently, the extent and magnitude of damage to UST systems themselves and to the shallow subsurface environment as a result of the flood is unknown. At this time the

May 10, 2011

primary objective is to put these systems back into proper service to meet the fuel supply need of initial and subsequent response efforts. Later, as time and resources permit, assessment and remediation of any environmental impacts will take place.

UNDERGROUND STORAGE TANK EVALUATION

Underground Storage Tank sites flooded by this event must be evaluated to determine response actions necessary to place these UST facilities back into service and protect human health and the environment. New product should not be placed in the tanks if there are indications that the integrity of the tank has been comprised when performing the activities outlined below.

General Information:

UST Owners/Operators will be responsible for evaluating underground storage tank systems to determine if they are suitable for receiving product. Flooded systems that are **determined to be suitable for receiving product** may be put back into service and should have an integrity test performed as soon as contractors and services become available to perform the testing and no later than six (6) months after product was first placed into the tank after flooding. If the tank inspection outlined below (or subsequent monitoring of the tank), indicates that the system has been comprised; **the system should be taken out of service** and repaired or replaced as necessary and an integrity test performed prior to again putting the system into operation.

The Department has established a contact telephone number to be used by contractors and citizens for reporting exigent conditions. The hotline number is (225) 219-3640. These procedures for contractors are being provided to tank owners, tank removal and installation contractors, response action contractors and trade groups that represent the industry such as Louisiana Oil Marketers Association and Louisiana Mid-Continent Oil and Gas Association. This information will also be posted on the Department's Web Site.

General Evaluation Protocol for Contractors:

No equipment should be turned on prior to examination. Check all electrical panels and make sure they are clean and dry. All equipment related to electric power service should be inspected and any necessary repairs should be made prior to power restoration. This includes all fueling systems, leak-detection devices and corrosion prevention (impressed current) equipment. The electrical system should be checked for continuity and shorts (pumps, turbines, dispensers, ATG consoles, emergency shutoff, panel box, etc.)

May 10, 2011

Specifically, all electrical junction boxes and dispenser heads should be opened, inspected and dried if necessary. Conduits should be inspected for the presence of water, insulation damage, shorts or opens. Conduits exhibiting water should be dried or vacuumed as appropriate and all defective wiring should be replaced. To apply electrical power to a UST system before conducting basic examination could be extremely dangerous.

Submerged pumps and dispensers should not be operated if there is the possibility of water entering into the system as pumping water may damage hydraulic components.

Technical Protocol for Contractors:

These protocols should be followed to place tanks back into service:

1. Stick tanks using water finding paste or read automatic tank gauge system, if operable, to determine whether water has entered the UST.
2. Flooded or water impacted tanks and all lines may need to be drained of water and dirt/mud or perhaps pumped dry and cleaned as conditions warrant. Liquids removed must be properly handled and disposed.
3. Interstitial spaces of tanks and lines of double walled systems, if flood-impacted, will need to be drained and flushed where possible. Blockage of interstitial spaces will render leak detection useless. Depending on the level of residual contamination at the facility, certain leak detection methods may no longer be viable. Tanks with brine or vacuum interstitial sensors may be returned to service if brine or vacuum levels are normal. Be prepared to update damaged leak detection equipment after emergency conditions are abated.
4. All facility sumps, pans, and spill buckets need to be pumped dry and cleaned. Replace sump lid gaskets if applicable. If sump lids are missing, replace with new water tight lids. Replace sumps and spill buckets that fail to prevent water intrusion after initial cleaning and drying.
5. Check tank bottoms for water and debris. Remove and dispose as appropriate (see item #2 above).
6. Check deflection of fiberglass tanks. If deflection is greater than manufacturer's specification (general guideline is 2%) call the manufacturer for instruction.

May 10, 2011

7. If tanks shifted and problems are found, **repair or replace them** according to manufacturer's instructions and appropriate industry standards and regulations. Obviously, these **systems should be shut down and not receive fuel** until they are deemed safe for reuse (tightness tested).
8. Check vents for movement, cracking, blockage and proper operation.
9. Check dispenser filters and submersible check-valve screens for plugging with dirt or mud.
10. Flush dispensers and UST system if necessary. Collect fluids for proper disposal.
11. Check critical safety devices (e.g., emergency power off controls, line leak detectors, air compressor pressure limiters, shear valves, stop switches, isolation relays on dispensers, etc.). Shear valves may be salvaged if they can be cleaned and lubricated with corrosion preventative. Some will still have to be replaced.
12. Sump sensors may need to be replaced after emergency conditions cease.
13. In-tank pumps, Automatic Tank Gauge (ATG) probes, overfill devices, automatic line leak detectors, fill and vapor dust caps, etc. should be assessed. Assess their condition after cleaning and replace as necessary.
14. ATG consoles and any associated electronics that are not submerged, should have a programming and operability check performed by a certified technician after emergency conditions cease.
15. After emergency conditions are abated, submerged Corrosion Protection (CP) rectifiers and associated aboveground equipment protecting tanks and/or lines may have to be replaced. If not submerged have a National Association of Corrosion Engineers (NACE) certified professional perform an operability check of the equipment. Inspect CP lines in saw cuts for damage and replace as necessary. If CP systems are out of service for an extended period of time perform integrity assessment of affected component before placing CP system back into service. A NACE certified professional will be helpful assessing the CP system.
16. Check accessible fittings, valves and miscellaneous piping for damage and corrosion. Clean and replace as necessary.

May 10, 2011

17. Document all inspection, assessment and repair activities at each UST system site. Provide this information to the Department in stand-alone report format within ninety (90) days of initiation of operations of that UST facility.
18. Submerged dispensers will have to be replaced or repaired as necessary. This includes the hanging hardware. Any suction system dispensers will probably have flood impacted motors and pumps and may need complete replacement.

General Protocol Upon Resumption of Service:

Depending on the level of residual contamination at the facility, certain leak detection methods may no longer be viable. Daily inventory control (with strict record keeping) may be the short-term leak detection method by necessity. Daily checks for water with water-finding paste should be done for several days until it has been determined that the system is tight. If these daily water checks indicate excessive water or the daily inventory control shows loss of product, **the tanks should be emptied of product and use of the tanks should cease**. Notification of these conditions should be made to the Department's hotline (225) 219-3640 as soon as practical.

Post Start-Up Protocol for Contractors:

This protocol should be followed once flood-impacted tanks have been placed back into service and emergency response and restoration have been completed or as otherwise directed by the Department:

Precision tightness test tanks, lines and interstitial spaces (after emergency conditions abate). Assess interstitial spaces for blockages, especially if used for leak detection. Decisions regarding replacement of tanks and lines should be made based on outcome of these tests. Department field staff should be consulted on these decisions whenever possible. Cathodic protection systems should be checked to make sure they are connected and operational.

These actions are being delayed in an effort to expedite fuel delivery capabilities and due to unavailability of sufficient contractors to perform the otherwise required work in a timely manner. All leak detection equipment must be put back into operation as soon as practically possible or as directed by the Department after the emergency has abated.

Other General Provisions for Owner/Operators and Contractors:

At flood-impacted sites, facilities will be allowed to salvage useable fuel in USTs by checking fuel for water and allow salvage of useable fuel. If flood water covered vent lines, displacement of fuel would have occurred and large volumes of water

May 10, 2011

may exist in the affected USTs and require proper storage/disposal. This water should not be discharged to areas such as streets, storm drains, sumps and ditches that are not permitted to receive these liquids.

Requirements for remediation of contaminated groundwater via approved corrective action plans in place prior to the name are suspended at UST sites in the parishes of the emergency areas unless otherwise directed by the Department. However, the Department may require systems remediating free phased product to continue pumping operations.

Sites which have not experienced impacts from the flood shall continue with routine remedial efforts and reporting (Unless RAC/consulting firm handling the remediation has been affected and displaced by the flooding.

All facilities in which remedial efforts are temporarily suspended or delayed must provide notice to the Department (225) 219-3640 and provide written documentation as directed.

EVALUATION SCHEDULE

The evaluation of UST status should be initiated as soon as conditions allow flood area re-entry. Further testing will be performed once emergency conditions and major restoration efforts are complete and when sufficient contractors are available to perform the work. This further testing should be performed no later than six (6) months after product was first placed into the tank after flooding.

May 10, 2011

APPENDIX G

GUIDANCE FOR SPECIAL WASTE HANDLING, REUSE AND RECYCLING

The following information is intended to assist operators of solid waste facilities, recycling centers, scrap metal dealer, local governments, and contractors in handling debris from the Emergency Areas. The Debris Management Plan (Appendix D) should be consulted for greater detail.

1. Intent

Every effort should be made to minimize debris disposed in landfills. Diversion, composting and recycling debris are priorities. Debris handlers should make every effort to properly handle and recover debris materials that have reuse value, are recyclable or the release of which into the environment would be detrimental or is prohibited, e.g. used motor oil.

2. Scope

Sources of debris requiring special handling include: households, businesses, schools, public buildings, automobiles and boats.

3. Types of materials by source

The types of debris to which this guidance is directed and the sources from which the subject debris emanates are as follows:

- a. From automobiles: gasoline and diesel fuel, refrigerants, lubricating oils, mercury ABS switches, mercury convenience switches, lead acid batteries, brake and transmission fluid, antifreeze and tires. Propane tanks and large appliances in recreational vehicles should be removed.
- b. From boats: gasoline and diesel fuel, refrigerants, lubricating oils, mercury bilge switches, propane tanks, large appliances, lead acid batteries, transmission fluid and electronics, such as, radar sets, radios, GPS units, and depth finders.
- c. From households and businesses: paints and varnishes, solvents, acids, pesticides, cleaning fluids, pool chemicals, used motor oil, propane tanks, mercury thermostats, liquid mercury, mercury-containing devices, and refrigerants. Large appliances also known as “white goods” may not be landfilled. Refrigerants must be removed. Food should not be left in appliances. Every reasonable effort should be made to recover large electronic devices, such as, television sets, computers and computer monitors.

May 10, 2011

- d. From schools and public buildings: paints and varnishes, solvents, acids, pesticides, cleaning fluids, pool chemicals, used motor oil, propane tanks, mercury thermostats, liquid mercury, mercury-containing devices, and refrigerants. Large appliances also known as “white goods” may not be landfilled. Refrigerants must be removed. Food should not be left in appliances. Every reasonable effort should be made to recover large electronic devices, such as, television sets, computers and computer monitors. Special attention should be given to school chemistry laboratories.

3. Monitoring

Demolition teams, debris collectors, local governments and landfill operators should be vigilant for proper handling the above listed items.

4. Recordkeeping

Processors should keep a record of the amount of materials recovered and transported for recycling. Some products already require recordkeeping, e.g. used oil, and duplicate recordkeeping is not required.

May 10, 2011

APPENDIX H

PUBLIC NOTICE AND PUBLIC PARTICIPATION PROCEDURES REGARDING PROPOSED PERMIT ACTIONS IN FLOOD IMPACTED AREAS

The dislocation of residents and the damage to infrastructure in the Emergency Areas has affected the ability of the Department of Environmental Quality to solicit and receive comments on proposed permit actions. The following procedures are intended to address these issues in a manner that offers the opportunity for meaningful public participation and that meets the requirements and intent of the state and federal permitting statutes and regulations.

Public notice and comment procedures will vary according to the categorization of the parish in which the facility at issue is located. The Department will categorize parishes after evaluating all relevant factors, including but not limited to:

1. newspaper circulation rates (both paid subscriptions and free distribution), comparing pre-Flood with current rates;
2. basic services - power, potable water, and sewage treatment;
3. local government approval for residents to return for long-term habitation;
4. number of schools that are open;
5. availability of locations to serve as document repositories and in which to conduct public hearings should they be requested;
6. condition of roads.

Category 1 parishes are those with newspaper circulation rates of at least 90% pre-Flood levels. Basic services are restored to at least 90% pre-Flood levels. The parish is open for long-term habitation and public schools have resumed operation.

In Category 1 parishes, the Department will continue to implement the public notice procedures in place before the Flood. This includes publication in the required newspapers, sending notice to individuals on the Department's permits mailing list, placing notice on the Department's web page, and sending electronic notice to individuals who have registered with the Department to receive notices in this manner. The DEQ Public Participation Group (PPG) will use its knowledge of newspaper distribution rates and patterns to determine if the notice should be placed in more than one local newspaper. Some permit procedures require notice to also be placed in the official state journal, *The Advocate*.

Category 2 parishes are those with newspaper circulation rates of at least 50% pre-Flood levels, and basic services restored to at least 50% of the parish. The parish is open for long-term habitation and public schools have resumed operation.

May 10, 2011

In Category 2 parishes, the Department will follow the same procedures provided herein for Category 1, with the addition of the following: Notices will be placed in *The Advocate* to identify the permits placed on public notice for the previous week, sorted by parish. These notices will clearly identify the electronic web link to view the public notices and will give the phone number to call to request additional information or to find out where documents may be reviewed locally.

Category 3 parishes are the most severely affected parishes. Any parish not meeting all of the criteria for Category 2 are considered Category 3.

In Category 3 parishes, the Department will follow the same procedures provided herein for Category 2, with the addition of the following:

1. Comment periods will be extended a total of fifteen (15) extra days.
2. Notices will be published twice in the selected newspaper(s).
3. An additional newspaper will be selected in which to publish the notices. This will be the newspaper with the largest circulation in a parish that physically adjoins the parish in which the facility is located.
4. If not already required to do so, the Department will publish notices in *The Advocate*, the official state journal.

When arranging public hearings to solicit comments regarding permitting activities, the Department will work with stakeholders to find suitable hearing site locations.